IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.726 OF 2004

Sau. Jyoti Nandkishor Kale ...Petitioner

Vs.

Ms. Sangita Vishwanath Bhowar & Ors. ...Respondents

Shri. N.C. Walimbe for the Petitioner.
Shri. M.S. Mohite for the Respondent Nos.1 and 2.
Ms. M.H. Mhatre A.P.P. for the Respondent No.3.

CORAM : A. S. OKA, J.
DATED : JULY 07, 2005.

P.C.:
1. This Petition filed by the original complainant takes exception to the judgment and order dated 23rd December, 2003 passed by the learned 5th Additional Sessions Judge, Pune in Revision Application preferred by the Respondent No.1. On the basis of the F.I.R. filed by the Petitioner, the Respondent No.1 was sought to be prosecuted for the offences punishable under sections 498-A, 323, 504 and 506 read with section 34 of the Indian Penal Code. The Respondent No.1 applied for discharge. The Application was rejected by the learned Trial Judge. By impugned order, the learned 5th Additional Sessions Judge, Pune passed order of discharge in favour of the Respondent No.1 who is the Accused No.2.

2. After having heard the Counsel appearing for the

parties, I find no error in the impugned judgment and order. The allegations made by the Petitioner in the F.I.R. at highest suggest that the Respondent No.1 is staying with of the husband of the Petitioner. The learned 5th Additional Sessions Judge rightly held that section 498-A of the Indian Penal Code cannot be attracted as the Respondent No.1 is not a relative of the husband of the Petitioner. Apart from concession by the learned A.P.P. before the learned 5th Additional Sessions Judge, the learned Judge on examination of the complaint found that there are no allegations against the Respondent No.1 in respect of offences punishable under sections 323, 504 and 506 read with section 34 of the Indian Penal Code. After having gone through the complaint on the basis of which F.I.R. was registered, I find that no case is made out by the Petitioner as regards commission of offences punishable under section 323, 504 and 506 read with section 34 of the Indian Penal Code. There is no infirmity in the impugned Judgment and Order and the Petition is therefore, rejected.

JUDGE